

Fiscal Year 1999 Program Performance Report for the United States International Trade Commission



Introduction

The U.S. International Trade Commission (Commission or ITC) is pleased to present this Program Performance Report for fiscal year (FY) 1999, which was prepared in accordance with the provisions of the Government Performance and Results Act.

The Commission has one program activity set forth in the Budget of the United States. However, for the purposes of its Strategic Plan, Performance Plans, and Performance Reports, the Commission has divided the agency's functions into five operations. The FY 1999 Performance Plan established goals to define the level of performance to be achieved by each operation in FY 1999. As provided for in the Results Act, the Commission has sought to express those performance goals in an objective and measurable form. To the extent practicable, the Commission has established outcome-oriented goals.

The Commission performs an annual verification and validation of measured values. For each operation, a senior agency manager serves as Operation Coordinator. Under the general oversight of the Strategic Planning Committee, the Operation Coordinators are responsible for that verification and validation.

As set out in the Commission's Strategic Plan, the agency performs a review of the strategic plan on an annual basis. This includes an assessment of the agency's goals and how well the agency's operations achieve these objectives and an assessment of the policies, practices, and processes for implementing the objectives.

In conducting its annual review of the Strategic Plan, the Commission evaluated, *inter alia*, the FY 2000 Performance Plan, taking into account the actual performance achieved in FY 1999. The Commission determined that it would issue interim adjustments to its Strategic Plan and make corresponding changes in the FY 2000 Performance Plan. This report identifies those goals that have been revised for FY 2000 and discusses the differences between FY 1999 and FY 2000 where appropriate.

Mission

The mission of the Commission is twofold: (1) administer U.S. trade remedy laws in a fair and objective manner and (2) provide the President, the Office of

the United States Trade Representative (USTR), and the Congress with independent, quality advice and information on matters of international trade and competitiveness. In so doing, the Commission contributes to the development and implementation of sound and informed U.S. trade policy.

General goals and objectives

The Commission has established long-term goals and objectives for its 5 strategic operations. The five operations, which serve the Commission's external customers, are –

- Import injury investigations
- Intellectual property-based investigations
- Research
- Trade information services
- Trade policy support

All of these operations define the output of the Commission, emphasizing the benefits that the Commission provides in facilitating an open trading system based on rule of law and economic self-interest. Within each operation, specific critical success indicators and strategic goals have been identified.

Comparison of Actual Performance to Performance Goal Target Levels

The Commission established 20 strategic goals for its 5 operations. For each of these goals, performance goals for FY 1999 and ensuing years were created and, where possible, quantitative indicators were developed or identified. Many of the goals for FY 1999 concerned the development of baseline measures. All of these measures have been established. Other goals specified meeting established statutory or administrative deadlines. These performance goals were met in virtually all instances and, unless indicated otherwise in the report, the established baselines provide an appropriate benchmark against which to achieve the goals established for FY 2000.¹

The remainder of this report provides a comparison of actual FY 1999 performance to the goals established for that fiscal year. The discussion is organized by operation, with each strategic goal, corresponding FY 1999

¹ The FY 2000 and 2001 Performance Plans are attached here to as an appendix.

performance goal and indicators, and FY 1999 results presented in tabular form. As noted above, the Commission modified several of the performance goals and indicators during FY 1999. The report discusses these modifications and the reasons why the goals, as originally drafted, were impractical or infeasible.

Finally, the report identifies each specific quantitative goal that was not fully met and includes a discussion of corrective measures that the Commission has undertaken in response.

Guide to abbreviations used in this report

Abbreviations	Meanings
AD	Antidumping
ALJ	Administrative Law Judge
APO	Administrative protective order
CVD	Countervailing duty
DIOC	Document Imaging Oversight Committee
EDIS	Electronic Docket Information System
EC	Office of Economics
ER	Office of External Relations
GATT	General Agreement on Tariffs and Trade
GC	Office of the General Counsel
HTS	Harmonized Tariff Schedule of the United States
ID	Initial determination by an ALJ
IER	International Economic Review
IG	Office of the Inspector General
IND	Office of Industries
INV	Office of Investigations
ITDS	International Trade Data System
ITTR	International Trade and Technology Review
OIS	Office of Information Services
OP	Office of Operations
OUII	Office of Unfair Import Investigations
SE	Office of the Secretary
TATA	Office of Tariff Affairs and Trade Agreements
TEO	Temporary exclusion order
URAA	Uruguay Round Agreements Act
USTR	United States Trade Representative
WTO	World Trade Organization

Operation 1: Import Injury Investigations

Operation 1 covers the conduct of the Commission's antidumping (AD), countervailing duty (CVD), and review investigations under Title VII of the Tariff Act of 1930, escape clause and market disruption investigations under sections 201, 204, and 406 of the Trade Act of 1974, investigations under section 302 of the NAFTA Implementation Act of 1994, investigations under section 22 of the Agricultural Adjustment Act, and appellate litigation of challenges to the Commission's determinations. Overall, the Commission strives to consistently (1) produce high-quality, well-reasoned determinations in a variety of import injury investigations; (2) conduct the investigations fairly and equitably and provide interested parties with meaningful opportunities to participate in and influence the investigative proceedings; and (3) issue determinations that conform to applicable deadlines and required procedures.

Since 1998, the Commission has faced a substantial increase in workload resulting from the new requirement, imposed by the the URAA, to review existing AD/CVD orders. In addition, new filings of regular Title VII investigations and section 201 investigations increased during FY 1999 (table 1 and figure 1). The performance results for FY 1999, discussed below, reflect this increase in workload and demonstrate that the Commission met the specific performance goals established for that year.

Table 1: Summary of import injury investigations, FY 1996-99

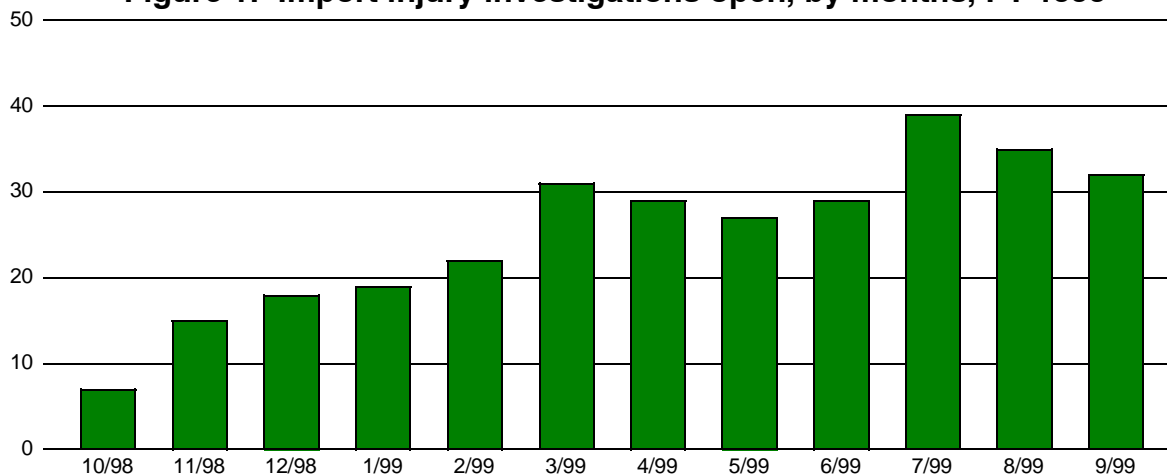
Type and status	FY 1996	FY 1997	FY 1998	FY 1999
Instituted:				
Preliminary	12	11	15	23
Final	11	12	5	15
Sunset ¹	0	0	8	51
Other ²	2	1	4	5
Total	25	24	32	94
Completed:				
Preliminary	12	13	11	27
Final	10	9	9	11
Sunset	0	0	0	23
Other ²	2	0	4	4
Total	24	22	24	65

¹ Does not include investigations that were terminated by Commerce because of no domestic interest.

² Includes Section 201 and other investigations.

Source: Office of Investigations.

Figure 1: Import injury investigations open, by months, FY 1999



Source: Office of Investigations.

Strategic Goal:

1(a) Periodically update existing handbooks and other materials, and evaluate need for and as necessary develop new materials.

FY 1999 Performance Goal	Performance Indicators
Blue Book updated; INV/GC complete initial evaluation.	INV/GC/SE prepare update or status report, and evaluation report.
FY 1999 Results The Antidumping and Countervailing Duty Handbook (Blue Book) was updated to reflect current Commission policies and procedures. It was published in hard copy (ITC publication 3140) and was posted on the Commission's Internet web site. Following evaluation, the Commission also added (and keeps current) other items on the web site (www.usitc.gov) to inform outside parties with interests in Commission review investigations (Transition Review Status and Transition Review Event Dates). A subsequent update of the Blue Book (ITC publication 3257) was published in November 1999.	

Strategic Goal:

2(a) Obtain feedback from users of the process on investigative procedures.

FY 1999 Performance Goal	Performance Indicators
INV/GC conduct first user survey by 9/30/99.	INV/GC compile survey results.
FY 1999 Results A survey was conducted to obtain feedback from users of the Commission's investigative process. The survey was sent to all of the approximately 100 import injury practitioners on the Secretary's existing mailing list. All responses indicated "YES" to the questions "Did the Commission's rules and other written guidance make clear to you what the Commission expected of you procedurally in an investigation?" and "Did Commission personnel respond to procedural inquiries in a helpful way?" For the two questions that asked respondents to rate Commission investigative procedures (1 = excellent, 2 = satisfactory, and 3 = unsatisfactory) the average response was 1.5 to "Your access to information collected by/submitted to the Commission" and 1.3 to "Your opportunity to present information for consideration by the Commission."	

Strategic Goal:

- 2(b) Make available Administrative Protective Order (APO) material and public versions of reports in accordance with established guidelines, modified as appropriate based on user feedback.**

FY 1999 Performance Goal	Performance Indicators
Make available APO material and public versions of reports in accordance with established guidelines, modified as appropriate based on user feedback.	INV maintains log of releases.
FY 1999 Results	APO material and public versions of reports were released as required throughout the year.

Strategic Goal:

- 3(a) Obtain feedback from Commissioners on the availability of data.**

FY 1999 Performance Goal	Performance Indicators
INV and GC poll Commissioners after each determination. ¹	INV and GC compile poll results.
FY 1999 Results	Commissioners were polled concerning the availability of data for all investigations conducted during the year. Comments were favorable throughout the year.

¹ After review, this goal was modified to improve efficiency. Polling is now conducted at least on a quarterly basis.

Strategic Goal:

- 3(b) Circulate draft staff reports to the investigative team for review; draft legal issues memoranda and draft opinions to the team for comment on factual accuracy and confidentiality.**

FY 1999 Performance Goal	Performance Indicators
Circulate draft staff reports to the investigative team for review; draft legal issues memoranda and draft opinions to the team for comment on factual accuracy and confidentiality.	INV tracks issuance of draft reports; GC tracks draft memoranda and draft opinions.
FY 1999 Results	INV tracked the circulation of draft reports to the investigative team for review. All 88 of the prehearing and final staff reports prepared during the year were so circulated. GC tracked the circulation of draft legal issues memoranda and draft opinions to the investigative team for comment on factual accuracy and confidentiality. All 48 draft memoranda and all 49 draft opinions prepared during the year were so circulated.

Strategic Goal:

4(a) Meet administrative deadlines for staff reports, legal issues memoranda, and draft opinions; meet statutory deadlines for determinations.

FY 1999 Performance Goal	Performance Indicators
Meet administrative deadlines for staff reports, legal issues memoranda, and draft opinions; meet statutory deadlines for determinations.	INV tracks deadlines and issuance dates for reports and determinations; GC tracks memoranda and draft opinions.

FY 1999 Results

INV tracked the issuance of all staff reports and Commission determinations during the year. All statutory deadlines were met. All 53 determinations (and the public reports that accompanied the determinations) were issued in accordance with established or amended schedules, all 58 staff reports were issued in accordance with established or amended schedules, and 28 of the 30 prehearing reports were issued in accordance with established or amended schedules (1 report was 1 day late because the agency closed for a snow day and 1 report was circulated after the close of business on the scheduled date). GC tracked the issuance of all legal issues memoranda and draft opinions. All 48 memoranda and all 49 draft opinions prepared during the year were issued in accordance with established or amended schedules.

Note that the difference in the number of documents issued by INV and GC is because: (1) in some investigations INV normally is tasked with preparing more documents; and (2) in some investigations GC issued its memoranda and draft opinions outside the FY 1999 period.

Also, the data on determinations presented above differ from the data shown in table 1 because (1) withdrawn/terminated cases are counted as completions but not as determinations; (2) some cases have the determination in one year but are not "completed" (meaning published) until the next; (3) packaged AD and CVD cases are counted separately for completions (and institutions) but not for determinations; (4) some cases are split into two or more schedules for different countries and are counted as "one" for completions but "two" (or more) for determinations; and (5) there are some types of activities that are counted as determinations but not as completions (e.g., remands, reconsiderations, and supplemental USTR requests).

Operation 2: Intellectual Property-Based Import Investigations

The Commission adjudicates complaints brought by domestic industries under section 337 of the Tariff Act of 1930 that allege infringement of U.S. intellectual property rights and other unfair methods of competition by imported goods. In doing so, the Commission strives to produce high-quality, detailed analyses of complex legal and technical subject matter and issue determinations that can be successfully defended during judicial appeals. These investigations are conducted in accordance with the Administrative Procedure Act, which affords the parties the opportunity to conduct discovery, present evidence, and make legal arguments before the ALJs and the Commission. The procedures protect the public interest and provide the parties with prompt, timely resolution of complaints (within approximately 1 year).

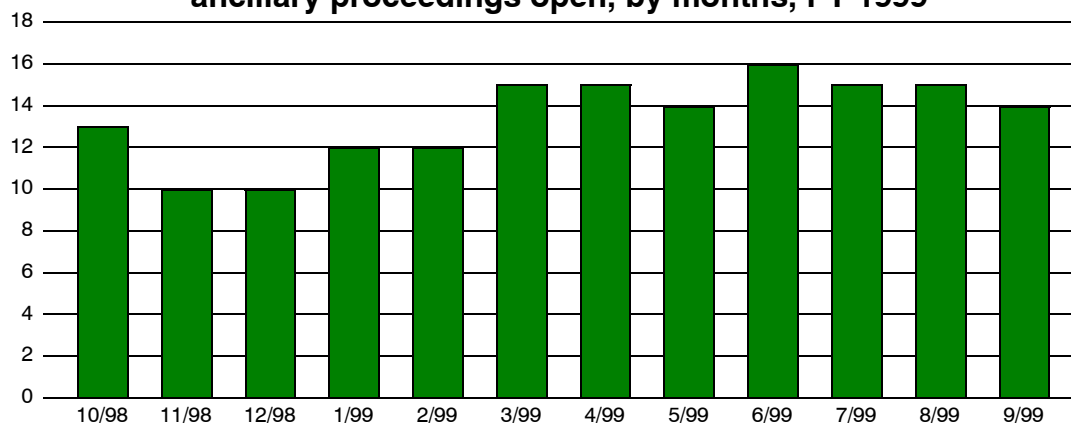
Table 2 and figure 2 show the workload trends for intellectual property-based import investigations and ancillary proceedings during FY 1996-99. Performance results for FY 1999 are discussed below. Overall, the Commission met its established performance goals for FY 1999.

Table 2: Summary of intellectual property-based import investigations and ancillary proceedings, FY 1996-99

Status	FY 1996	FY 1997	FY 1998	FY 1999
Instituted	14	13	17	12
Completed	12	11	16	12

Source: Office of Unfair Import Investigations.

Figure 2: Intellectual property-based import investigations and ancillary proceedings open, by months, FY 1999



Source: Office of Unfair Import Investigations.

Strategic Goal:**1(a) Meet statutory and key administrative deadlines.**

FY 1999 Performance Goal	Performance Indicators
Meet statutory and key administrative deadlines.	<p>OUII tracks:</p> <p>(I) Time between institution of investigation and filing of complaint;</p> <p>(ii) Time between institution and setting of target dates;</p> <p>GC tracks:</p> <p>(iii) Time between ALJ's issuance of final ID and target date for issuance of final ID, and time between Commission's issuance of final determination and target date for completion of investigation;</p> <p>(iv) In TEO proceedings, time between notice of institution, ID, and determination.</p>
FY 1999 Results	<p>(i) Deadlines for decisions on institution were met for all new complaints in FY 1999.</p> <p>(ii) Deadlines for establishing target dates were met for all Section 337 investigations instituted in FY 1999.</p> <p>(iii) Deadlines for issuance of final IDs and target dates for Commission decisions were met for all Section 337 investigations completed in FY 1999.</p> <p>(iv) There were no TEO proceedings in FY 1999. (The only TEO request was withdrawn soon after commencement of the investigation, well before the deadline for issuance of the TEO ID.)</p>

Strategic Goal:**1(b) Conclude section 337 investigations in time frames that are consistent with the URAA.**

FY 1999 Performance Goal	Performance Indicators
OUII/GC compile data on length of: (a) investigations concluded during the 3 years before the URAA, and (b) investigations that were commenced during FY 1998 and 1999; decide whether to categorize investigations by type and compare on that basis.	For investigations in which Commission made final determinations on violation, OUII/GC compile data on length of investigations.
FY 1999 Results	<p>For the 13 investigations commenced between January 1, 1992, and December 31, 1994 (the 3-year period before statutory time limits were removed under the URAA) in which the Commission rendered a final decision on the merits of the existence of a violation, the time for completion of an investigation ranged from 9.5 months to 18 months, with an average time for completion of 13.5 months.</p> <p>For those 5 investigations commenced during FY 1998 and FY 1999 in which the Commission rendered a final decision on the merits of the existence of a violation, the time for completion of an investigation ranged from 10.5 to 14 months, with an average time for completion of 12.2 months.</p>

**FY 1999 Results—
Continued**

These data indicate that Section 337 investigations are being completed in time frames similar to those in the years prior to enactment of the URAA, which is in keeping with the intent of the URAA. Distinguishing between different types of Section 337 investigations was found to be unnecessary and impracticable.

The URAA requires that, within 45 days of the commencement of a Section 337 investigation, a target date be set for completion of the investigation. In FY 1998, target dates ranged from 10.5 to 16 months, with an average of 13.6 months. In FY 1999, target dates ranged from 11 to 14 months (excluding a 5-month target date that was set at the time of settlement), with an average of 12.1 months.

Strategic Goal:

1(c) Reduce average time to conclude ancillary proceedings.

FY 1999 Performance Goal	Performance Indicators
OUII compiles data on length of past ancillary proceedings (advisory opinion, modification and enforcement); GC compiles data on new proceedings.	OUII/GC report on comparison of lengths of proceedings.

FY 1999 Results

Putting aside ancillary proceedings that terminated because of intervening events, 4 formal enforcement and 2 modification proceedings were instituted during the 10-year period between the start of FY 1989 and the close of FY 1998. The formal enforcement proceedings took an average of 19.4 months to complete after institution. The modification proceedings took an average of 4 months to complete after institution.

No enforcement or modification proceedings were commenced during FY1999. The only advisory opinion proceeding commenced during the year is still underway.

Strategic Goal:**2(a) Address reports of violations of remedial orders in a timely manner.**

FY 1999 Performance Goal		Performance Indicators
Address reports of violations of remedial orders in a timely manner.		OUII/GC track: (i) Calls and letters regarding purported violations and responses thereto; (ii) Letters from Customs and resulting seizure and forfeiture notices;
FY 1999 Results	<p>(i) Forms for logging and tracking purported violations were prepared and distributed; only one report was received during the year, and that report was responded to within 2 weeks and apparently resolved by the interested private parties before institution of formal proceedings.</p> <p>(ii) 13 letters were received from the U.S. Customs Service regarding attempted entries of excluded goods. Seizure and forfeiture orders were issued with regard to 3 of these during FY 1999 and with regard to 6 others during October 1999; Commission action on the remaining 4 letters, received in August and September 1999, is still pending. (So that the Commission does not issue seizure and forfeiture orders during the period when protests of Customs action may be lodged, there is necessarily a 90-day waiting period before issuance of Commission seizure and forfeiture notices.)</p>	

Strategic Goal:**2(b) Establish mechanisms to insure the Commission has information regarding effectiveness of orders and uses that information to further enforcement objectives.**

FY 1999 Performance Goal		Performance Indicators
(i)	OUII/GC develop and pretest survey of complainants who obtained exclusion orders regarding whether subject imports have stopped.	(i) OUII/GC report on development and results of survey and on responses.
(ii)	OUII/GC form working group to develop and implement proposals to bolster enforcement.	(ii) OUII/GC report on working group proceedings.
FY 1999 Results	<p>(i) A survey regarding the effectiveness of exclusion orders was developed and pretested during FY 1999.</p> <p>(ii) During FY 1999, working group members developed and implemented several proposals to improve procedures in the enforcement area. For example, the working group revised the procedure for service of cease and desist orders so that service of such orders could be readily tracked and documented.</p>	

Strategic Goal:**3(a) Increase information accessible to the public via electronic and other means.**

FY 1999 Performance Goal	Performance Indicators
(i) OUII compiles inventory of information now on agency website, and adds list of exclusion orders.	(i) OUII reports on inventory.
(ii) SE scans 2/3 of new filings into EDIS within 2 business days after filing, and 3/4 within 4; periodically assesses update rate and impact of transition 5-year (sunset) review cases on rate.	(ii) SE/OIS track time between filing and scanning of submissions accepted for filing.
(iii) DIOC develops audit of process for updating evidentiary records and sets timeliness goals for FY 2000.	(iii) DIOC tracks time between submission and scanning of section 337 evidentiary records.

FY 1999 Results

- (i) An inventory of information on the Commission's website regarding Section 337 was compiled at the beginning of FY 1999, and during the year the Commission established a Section 337 Information Resources website. The site included information about Section 337 proceedings and an Investigational History database with summary information about all past and present Section 337 investigations. Additional fields of data regarding dispositions and schedules and a list of outstanding exclusion orders were added to the site during the year. In April 1999, the Commission began making public filings in Section 337 and other types of Commission investigations available for viewing over the Internet via EDIS-On-Line.
- (ii) Overall, during FY 1999, approximately 40 percent of section 337 filings were scanned within 2 business days of filing and approximately 60 percent of filings were scanned within 4 business days of filings. Moreover, there were significant variations in the rate of scanning due to periods of exceedingly heavy filings and technical problems with the Commission's current imaging system. Given both the increase in workload and the limitations of the existing system, the Commission determined that its imaging system needed to be replaced and upgraded to better serve its customers. Accordingly, the Commission initiated a functional requirements study of its imaging needs during FY 1999 and expects to procure a new imaging system during FY 2000.
- (iii) During FY 1999, the Document Imaging Oversight Committee (DIOC) analyzed the process for incorporating evidentiary records from Section 337 investigations into the Commission's Electronic Dockets Imaging System and set up a database for tracking this process. For FY 2000, DIOC established a goal of 4 business days for records of 10,000 pages or less, with a further goal of 1 additional business day for each additional 10,000 pages.

Operation 3: Research Program

The Commission contributes to the public debate on issues concerning U.S. international trade and competitiveness through an extensive research program. The Commission's long-range goals are to be a national resource of industry, economic, and regional trade expertise for the nation's policymakers and to enhance its position as a recognized leader in independent research and analysis through objective and timely reports. The Commission's analysis of trade and competitiveness issues is authorized by section 332 of the Tariff Act of 1930. The Commission's probable economic effects investigations are conducted under the authority of section 131 of the Trade Act of 1974. The Commission also maintains an ongoing role as a "think tank" on international trade taking the initiative to explore and provide independent assessments on a wide range of emerging trade issues.

Table 3 and figure 3 show workload trends for the Commission's research investigations during FY 1996-99. In addition to conducting these formal investigations, the Commission issued over 60 research articles and staff papers during FY 1999.

During FY 1999, the principal performance goal for this Operation was to determine baseline measurements for performance indicators. In the process of making these measurements and in the concurrent effort to harmonize the Commission's budget with the operations in the Strategic Plan, several indicators originally specified for Operation 3 were eliminated, as noted in the discussion below. Of the remaining 7 indicators, quantitative baseline standards are noted for 6 indicators. The remaining indicator, related to feedback from Commission customers, is more subjective in nature and a quantitative baseline is not set.

Table 3: Summary of research program investigations,¹ FY 1996-99

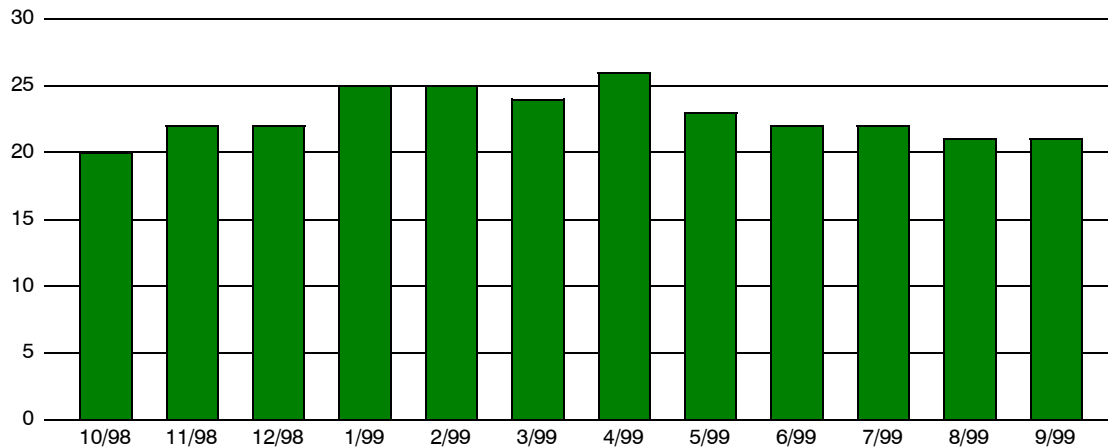
Status ²	FY 1996	FY 1997	FY 1998	FY 1999
Instituted	5	16	13	10
Active	23	35	34	30
Completed	4	14	14	11

¹ Includes investigations conducted under section 332 of the Tariff Act of 1930, sections 131 and 163(c) of the Trade Act of 1974, and section 1205 of the Omnibus Trade Competitiveness Act of 1988.

² The data presented for instituted investigations reflect those which were newly instituted in the respective fiscal years. Active investigations refer to all ongoing studies, including the recurring report series. Completed investigations do not include those that are part of an ongoing series (i.e., recurring).

Source: Office of Industries.

Figure 3: Research program investigations open, by months, FY 1999¹



¹ Includes recurring investigations.

Source: Office of Industries.

Strategic Goal:

1(a) Obtain increased use of ITC research capabilities/products by customers:

- Congress and USTR
- Peers
- Public

FY 1999 Performance Goal	Performance Indicators
IND ² determines baseline measurements for performance indicators.	<p>IND¹ will track:</p> <ul style="list-style-type: none"> (i) Level of visitors using reports on ITC Internet site; (ii) Requests for copies of reports; (iii) Written comments from users; (iv) Mentions in congressional debates; (v) Numbers of witnesses and Members of Congress testifying at section 332 hearings; (vi) Quick responses to USTR and Congress listed in Chairman's quarterly report; and (vii) Number of requests for section 332 investigations.

FY 1999 Results

(i) Level of visitors using reports on ITC Internet site²:

ITC Internet site overall 5,597,400

Section 332 investigations
and other research:

Visits to research pages 30,600

Downloads or viewing 36,900

The FY 1999 website hit levels are viewed as the baseline. The Commission anticipates that growth will occur. However, the agency's experience with predicting Internet usage is very limited and precludes the establishment of specific targets at this time.

See footnotes at end of tabulation (p. 16).

**FY 1999 Results—
Continued****(ii) Requests for copies of reports³:**

332 investigations	1204
Industry Summaries	259
ITTRs	68
IERs	58
Research studies	<u>73</u>
Total	1662

The FY 1999 total is viewed as an acceptable baseline. However, this indicator is expected to grow slowly, if at all, in view of increased downloading of reports through the Internet.

(iii) Written comments from users

During FY 1999, the Commission developed an "ITC Reader Satisfaction Survey" to solicit reader comments on the value and quality of ITC research reports. This survey is included as a mail-back sheet in each printed report. This performance indicator is subjective in nature and is based on a variety of types of feedback, written and other, gathered by project leaders.

Reader survey cards received during the year were very favorable with regard to both the value and quality of Commission 332s and other research. These surveys were consistently rated high on value factors such as presentation of new information, value-added analysis, useful statistical data, and timeliness. Lower, but still generally positive or neutral comments, were received related to providing unique or ground-breaking analysis and being the only/preferred source of information. On quality factors, such as clear writing, executive summaries, graphics, and documentation, comments were consistently high.

Direct requester feedback on studies is sporadic, but very positive, with examples provided of how the Commission's work is being used in negotiating efforts and in some cases resulting in additional followup studies. Examples of studies where positive requester feedback was received include *The Economic Effects of Significant U.S. Import Restraints: Second Update 1999* (inv. No. 332-325); *Effects on U.S. Trade of the European Union's Association Agreements with Selected Central and Eastern European Partners* (inv. No. 332-395); *Assessment of the Economic Effects on the United States of China's Accession to the WTO* (inv. No. 332-403); *Database on Trade and Investment in Services* (inv. No. 332-397); *U.S.-Africa Trade Flows and Effects of the Uruguay Round Agreements and U.S. Trade and Development Policy* (inv. No. 332-362); *Economic Trends and Barriers to Trade in Products Covered by the WTO Agreement on Agriculture* (inv. No. 332-396); and *Overview and Analysis of the Economic Impact of U.S. Sanctions with Respect to India and Pakistan* (inv. No. 332-406).

In addition, positive customer feedback has occurred in the form of comment from subject industries, telephone calls to discuss reports and seek additional information, requests for briefings, coverage in trade publications, and multiple inhouse printings.

See footnotes at end of tabulation (p. 16).

**FY 1999 Results—
Continued**

(iv) Mentions in congressional debates

Performance indicator 1(a)(iv) has been removed as it proved difficult to collect and was judged to be of questionable value both because of the limited number of times it is likely to occur and problems with interpretation of results. Congressional interest was deemed to be better assessed by indicators 1(a)(iii) direct feedback, (v) testimony at ITC hearings, and (vii) new 332 requests.

(v) Number of witnesses and members of Congress testifying at section 332 hearings⁴:

Number of hearings	10
Total witnesses	85
Members of Congress	0
Average witnesses per hearing	9

The FY 1999 average number of witnesses per hearing is an acceptable baseline and is expected to rise modestly above this level in future years with staff outreach efforts.

(vi) Quick responses to USTR and Congress listed in Chairman's quarterly report

Operation 3, Research Program, initially included the conduct of "quick response" research and analyses for the Congress and the executive branch on trade issues in the form of staff-to-staff assistance, making the agency's extensive resident expertise immediately available to key decisionmakers in the trade area. Upon further review, the Commission has determined to move that function into Operation 5, Trade Policy Support, because the most appropriate way to characterize it is as support to policymaking. Accordingly, performance indicators 1(a)(vi) and 2(a)(iii) are removed from Operation 3 and added to Operation 5.

(vii) Number of requests for Section 332 investigation⁵:

Requestor	FY 1999
USTR	5
Congress	<u>5</u>
Total	10

The number of study requests can be very erratic, varying as a function of international trade negotiating activity, domestic industry trade concerns, and other Commission workload. In addition, the amount of staff effort can vary greatly by investigation. The latest 5-year average is 10 new investigations per year; the Commission views this average level as an acceptable baseline.

¹ After review, the responsibility was transferred to OP (for FY 2000), with both IND and EC involvement.

² Data prepared by OIS software designed to track access of websites. These data do not include internal ITC users.

³ Data prepared by SE using their external request database. These data represent special one-time requests—not regular mailing lists for the various reports. These data also include requests made by ITC staff, since such requested reports are usually forwarded to persons outside the Commission.

⁴ Data prepared based on SE witness lists included in final 332 reports.

⁵ Based on number of formally instituted section 332 investigations.

Strategic Goal:**2(a) Institute study initiatives in emerging areas/issues.**

FY 1999 Performance Goal	Performance Indicators
IND establishes, based on historical data, baseline number of initiatives instituted.	<p>IND¹ will track numbers of :</p> <p>(i) Self-initiated research articles;</p> <p>(ii) Requests for section 332 investigations;</p> <p>(iii) Quick responses to USTR and Congress listed in Chairman's quarterly report.</p>

FY 1999 Results**(i) Self-initiated research:**

IER articles	13
ITTR articles	8
Industry Summaries	9
Staff research papers	3
Working papers	6
Research notes	4
Formal staff presentations to outside groups	19
Total	62

The FY 1999 total is viewed as a desirable level of self-initiated work; however, such work can be highly dependent on the level of other, higher priority work in the Commission.

(ii) Requests for Section 332 investigations

This indicator was removed because it duplicates 1(a)(vii).

(iii) Quick responses to USTR and Congress listed in Chairman's quarterly report

Operation 3, Research Program, initially included the conduct of "quick response" research and analyses for the Congress and the executive branch on trade issues in the form of staff-to-staff assistance, making the agency's extensive resident expertise immediately available to key decision-makers in the trade area. Upon further review, the Commission has determined to move that function into Operation 5, Trade Policy Support, because the most appropriate way to characterize it is as support to policymaking. Accordingly, performance indicators 1(a)(vi) and 2(a)(iii) are removed from Operation 3.

¹ After review, the responsibility was transferred to OP (for FY 2000), with both IND and EC involvement.

Strategic Goal:**3(a) Complete work on or before deadlines.**

FY 1999 Performance Goal	Performance Indicators
Complete work on or before deadlines	IND ¹ will track percent of section 332 reports to requesters on time

FY 1999 Results

Twenty-two of the 23 reports completed during FY 1999 met original or revised due dates. In one instance, the Commission needed to address some data constraints identified towards the end of the investigation period. The requestor was notified and the report was delivered 15 days after its due date. The continuing Commission goal will be to complete all section 332 work on schedule.

¹ After review, the responsibility was transferred to OP (for FY 2000), with both IND and EC involvement.

Operation 4: Trade Information Services

The Commission maintains an extensive repository of trade data and expertise and provides trade information services relating to U.S. international trade and competitiveness to executive branch agencies and the Congress, other governmental organizations, and the public. Trade information services include such activities as maintenance of the HTS, the on-line interactive Tariff and Trade DataWeb, library services for the Commission and the public, and preparation of legislative reports for Congress. Other trade information services requiring Commission resources include contributions to the development of the International Trade Data System (ITDS), maintenance of U.S. commitments under Schedule XX of the General Agreement on Tariffs and Trade/World Trade Organization (GATT/WTO), maintenance of the electronic version of the U.S. Schedule of Services Commitments under the General Agreement on Trade in Services (GATS), preparation of the electronic database which supports U.S. submissions to the WTO Integrated Database, trade remedy assistance for small businesses, and related information gathering, processing, and dissemination activities. The Director of the Office of Tariff Affairs and Trade Agreements currently serves as the chairman of the ITDS Board and is active in interagency efforts to streamline the preparation of data for international fora.

During FY 1999, the principal performance goal for this Operation was to establish baseline measurements for performance indicators. With the exception of one indicator, baseline measures were established.

Strategic Goal:

1(a) Obtain increased use of ITC trade data and nomenclature expertise by customers:

- Congress and USTR
- Peers
- Public

FY 1999 Performance Goal	Performance Indicators
TATA/OIS establishes baseline measurements.	TATA/OIS track use of expertise by customers; OIS tracks use of data by customers and use of Main Library by customers.

FY 1999 Results

TATA/OIS tracks use of expertise by customers:

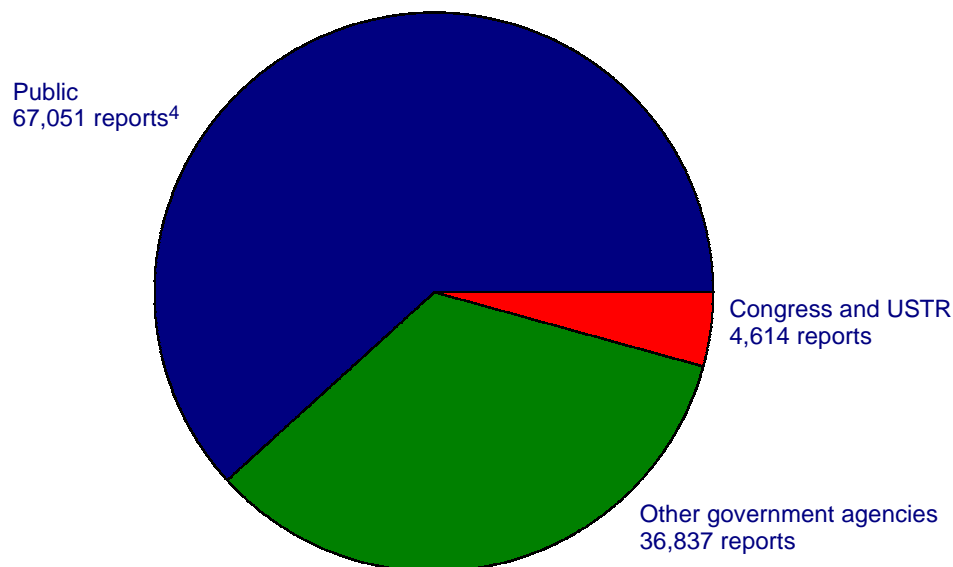
- Bill Reports – FY 1999 baseline average: 77 reports prepared.¹
- 484 Committee actions– FY 1999 baseline average: 41 actions implemented.²

See footnotes at end of tabulation (p. 19).

FY 1999 Results— OIS tracks use of data by customers:
Continued

ITC Trade DataWeb

FY 1999 baseline: approximately 108,500 reports generated over 6 months.³



ITC Tariff Database

FY 1999 baseline: approximately 26,000 tariff reports for non-ITC users generated over 6 months.⁵

The indicator "OIS tracks use ... of Main Library by customers" has been deleted as it was judged to contribute little as a performance indicator.

¹ The number of bill reports requested and prepared in any fiscal year is dictated by the level of congressional activity as well as which part of the 2-year "cycle" of congressional activity overlaps with a particular fiscal year. This can vary widely; accordingly, a 5-year moving average has been chosen for this indicator. The specific data are as follows: FY 1999 = 1 report; FY 1998 = 308 reports; FY 1997 = 59 reports; FY 1996 = 17 reports; FY 1995 = 3 reports.

² The 484 Committee is composed of representatives of the Department of the Treasury, the Department of Commerce, and the Commission who jointly approve requests for statistical annotations to the HTS. The number of 484 Committee actions can vary substantially from year to year. Accordingly, a 5-year moving average has been chosen for this indicator. The specific data are as follows: FY 1999 = 20 actions; FY 1998 = 30 actions; FY 1997 = 40 actions; FY 1996 = 46 actions; FY 1995 = 72 actions.

³ The ITC DataWeb was opened to the public on April 1, 1999; thus, only 6 months of data are available through the end of FY 1999.

⁴ 52,897 reports for the "general public"; 9,554 reports for university requesters; and 4,600 reports for foreign government or multilateral institution requesters.

⁵ The ITC Tariff Database was in fully functional public operation for the final 6 months of FY 1999.

Strategic Goal:**2(a) Obtain feedback through:**

- **External Relations**
- **Customer contacts/surveys**

FY 1999 Performance Goal	Performance Indicators
TATA conducts first customer survey; ER establishes contact mechanisms.	TATA tabulates results of survey; ER tabulates results of contacts.
FY 1999 Results	TATA is deferring this survey since it is dependent upon the establishment of "focus groups" by ER which will take place in FY 2000 (see Operation 5).

Strategic Goal:**3(a) Complete work on or before deadlines.**

FY 1999 Performance Goal	Performance Indicators
Same as strategic goal.	TATA tracks timeliness.
FY 1999 Results	Strategic goal 3(a) has been deleted, as it was judged to be of questionable value since the work in question generally is not subject to administrative, regulatory, or statutory deadlines.

Operation 5: Trade Policy Support

The Commission supports trade policymakers in the executive branch and in the Congress by providing technical expertise and objective information on international trade issues. It offers technical advice in the form of research, drafting legislation, conducting informal briefings and meetings, and testifying at congressional hearings. The Commission maintains the capability to conduct “quick response” research and analyses for the Congress and the executive branch on trade issues in the form of staff-to-staff assistance. Commission staff also draft Presidential proclamations and other Presidential documents (e.g. Executive orders and Presidential memoranda), as well as final decisions by various executive branch agencies that modify the HTS to implement congressional legislation or trade policy decisions by the executive branch. This activity also encompasses support for U.S. trade policy formulation and U.S. representation in international fora.

Both FY 1999 performance goals concerned developing the capability to establish baseline measurements for the respective performance indicators. During FY 1999, the Commission substantially revised one of the performance goals concerning the development of a user survey. This change is discussed below.

Strategic Goal:

1(a) Regularly contribute technical advice in organizations where Commission participation is appropriate.

FY 1999 Performance Goal	Performance Indicators
ER develops list of appropriate organizations and a log to track participation.	ER collects and reports information on participation. ¹

FY 1999 Results

ER developed a list of interagency committees, congressional committees and international organizations where participation by Commission staff would be appropriate.

ER also developed and maintains a log to track such participation, as well as “quick response” technical assistance provided to USTR and Congress. A review of the data compiled for FY 1999 shows that the Commission provided technical advice and assistance to USTR, interagency committees, and international organizations in over 30 different issue areas. Almost two thirds of the participation (in terms of workdays) was focused in five areas: the Asia-Pacific Economic Cooperation (APEC) forum; WTO dispute settlement issues; WTO/domestic safeguard issues; the interagency section 301 committee; and NAFTA rules of origin issues. Staff participation in providing assistance to congressional committees was spread over 20 issue areas. The largest concentration of assistance concerned responding to congressional correspondence and inquiries and addressing requests for data and analysis pertaining to NAFTA/CBI parity and trade with Sub-Saharan Africa.

¹ ER is also collecting and reporting information on “quick response” technical assistance to USTR and Congress listed in the Chairman’s quarterly report (formerly performance indicators 1(a) vi and 2(a) iii in Operation 3).

Strategic Goal:**2(a) Obtain feedback from USTR/Congress/other agencies and organizations and customer surveys.**

FY 1999 Performance Goal	Performance Indicators
ER conducts first user survey.	ER compiles survey results.

FY 1999 Results

During FY 1999, the Commission determined that focus group discussions would provide a better tool than customer surveys for the evaluation of performance in this operation and so modified its Strategic Plan. ER has identified the principal recipients of the Commission's technical advice and support and will coordinate and facilitate focus group discussions between the recipients and the ITC providers of the assistance during FY 2000. The goal of the discussions will be to identify specific areas where improvements can be undertaken to enhance the level of trade policy support. Problem areas will be addressed and new techniques and delivery vehicles will be developed to ensure that support in this operation meets the evolving needs of our customers.